



## Filing Receipt

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**DOCKET NO. 51545**

<b>PETITION OF COMPASS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DATACENTERS DFW III, LLC TO</b>	<b>§</b>	
<b>AMEND ROCKETT SPECIAL UTILITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>DISTRICT'S CERTIFICATE OF</b>	<b>§</b>	
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>ELLIS COUNTY BY EXPEDITED</b>	<b>§</b>	
<b>RELEASE</b>	<b>§</b>	

**ORDER NO. 7**  
**DENYING THIRD MOTION TO DISMISS**

On June 24, 2021, Rockett Special Utility District filed its third motion to dismiss in this matter. The motion raises three grounds for dismissal. Because the first two grounds have already been dealt with, and twice denied, in the orders denying Rockett's first and second motions to dismiss, they do not need to be addressed a third time.

The third ground raised in Rockett's third motion to dismiss is new. Rockett argues that, because Compass Datacenters DFW III, LLC filed its petition in this matter on November 20, 2021, the Commission was obligated, under Texas Water Code (TWC) § 13.2541(c), to take final action on the application by January 19, 2021, which is the 60th day after November 20, 2020. According to Rockett, because the Commission did not take final action by January 19, 2021, it now lacks jurisdiction over the petition.

It is not necessary to analyze the legal merits of Rockett's argument, because the factual premises underlying the argument are incorrect. Under 16 Texas Administrative Code (TAC) § 24.8(d), applications "under subchapter H of chapter 24 are not considered filed until the commission makes a determination that the application is administratively complete." Petitions for streamlined expedited release are addressed in subchapter H of TWC chapter 24. The petition in this matter was not determined to be administratively complete until June 4, 2021, with the filing of Order No. 6. Thus, 60 days have not yet run. For this reason, the third motion to dismiss is denied.

**Signed at Austin, Texas the 30th day of July 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'H. Burkhalter', is written over a horizontal line.

**HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE**

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